

1       These are the same rates that we've had since 1990. We've  
2       never changed them. ROS --

3           Q     That's run of schedule?

4           A     Yes. Run of schedule. I'm sorry. Run of  
5       schedule can be as low as \$5. I could be wrong but I think  
6       it's \$5.

7           Q     Okay. Do you have a prepared rate schedule?

8           A     Yes, I do. I have rate sheets.

9           Q     Will you send that to us as well? If you would  
10      add that to the list that would be helpful.

11                   (Multiple voices.)

12          A     Okay. Would you like the agency -- all of the  
13      rate sheets because there's an agency rate sheet also?

14          Q     Yes. The agency rate sheet would apply to who?

15          A     To advertising agencies that represent clients  
16      because they get a standard 15 percent discount.

17          Q     Okay. Where does Family Broadcasting receive its  
18      bills?

19          A     Post Office Box 224469, Christiansted, St. Croix,  
20      U.S. Virgin Islands 00822.

21          Q     Does it receive bills anywhere else?

22          A     No. It does not.

23          Q     You don't receive any bills for the company at  
24      your home?

25          A     No, I don't.

1 Q No bills are sent to your father's law office?

2 A No. Everything goes to the mailing address.

3 Q Who has access to that P.O. box currently?

4 A Well, currently, that is something that I'm going  
5 to change because my father that was his box initially that  
6 he had. When he first started the radio station, all of the  
7 mail was going to his mailbox.

8 Q It has his name on it currently?

9 A No. That is the box that he used for a  
10 combination of his law office and the radio station  
11 initially.

12 Q Does he still receive mail for his law office at  
13 this box?

14 A Yes. That's the business box that he was using.

15 Q So both --

16 A I have a -- excuse me.

17 Q I'm sorry. I'll let you finish.

18 A I have a key for that mailbox also.

19 Q You have a key and your father has a key?

20 A Yes, we do.

21 Q You had indicated that you had financial  
22 statements for 2001 and for 2002, for the first three  
23 quarters of 2002, correct?

24 A Yes. I think those are the documents that had to  
25 be filed with the Lieutenant Governor's office for the

1 corporate taxes.

2 Q Can you tell me whether there was a profit or  
3 loss, or whether you broke even for the year 2001?

4 A I don't recall. I don't recall a profit for 2001.  
5 I don't recall. I would have to consult the paperwork in  
6 order to respond to that.

7 Q What about for the first three quarters of 2002?

8 A I can't remember any of those figures.

9 Q Not even whether it was a plus or a minus?

10 A No. I don't recall because I spent so much time  
11 just trying to get all of those documents together. It was  
12 just numbers and I honestly don't remember off-hand.

13 Q Okay.

14 MS. DeNIGRO: That's all I have for right now.

15 Mr. Colby may have some questions.

16 MR. COLBY: Do you have a copy of that  
17 construction permit?

18 MS. DeNIGRO: I do have a copy of the FM  
19 construction permit.

20 MR. COLBY: May I use that.

21 MS. DeNIGRO: Yes, sir.

22 MR. COLBY: Let's see. What number does it have?

23 MS. DeNIGRO: It doesn't have a number at all yet  
24 but you can use the next number in sequence, which would  
25 be --

1 THE WITNESS: No. 21.

2 MS. DeNIGRO: -- 21.

3 (The document referred to was  
4 marked for identification as  
5 Deposition Exhibit No. 21.)

6 THE WITNESS: Should I explain? May I explain?

7 CROSS EXAMINATION

8 BY MR. COLBY:

9 Q Well, I'll get to that in a minute.

10 A Okay. I'll clarify.

11 Q Barbara, have you seen this construction permit  
12 before?

13 A Yes, I have.

14 Q Is this the construction permit, which authorizes  
15 a change in the location of the FM transmitter site?

16 A Yes, it does.

17 Q Do you have an idea as to what it would cost to  
18 implement this change?

19 A According to the information that I received from  
20 the engineer, I was told approximately I think it was  
21 \$20,000.

22 Q Right. Do you have any idea what it will cost to  
23 erect a permanent tower for the AM station?

24 A It ranges between \$10,000 to \$13,000.

25 Q Have you had an offer of assistance from anyone

1 with respect to that tower?

2 A Yes, I have.

3 Q From whom?

4 A From Jonathan Cohen.

5 Q Okay. In other words, is that for the AM tower or  
6 for the FM?

7 A That is for the FM.

8 Q But he would sell you a transmitter, correct?

9 A Yes, he would.

10 Q Which would reduce your cost somewhat?

11 A Yes.

12 Q But is it fair to say that, in general, putting  
13 the AM tower back up the way it should be and moving the FM  
14 station over to this new location is going to cost around  
15 \$35,000?

16 A Approximately.

17 Q Roughly figured?

18 A Yes.

19 Q Now you are aware that some lawyers operate on a  
20 pro bono basis?

21 A Yes, I do.

22 Q Do you know what that means?

23 A Yes.

24 Q What does that mean?

25 A I'm sorry. Yes. Yes, I do.

1 Q What does that mean?

2 A They're donating their time.

3 Q Do you know whether Lauren A. Colby operates on  
4 that basis?

5 A No, sir.

6 Q Now during the course of this proceeding, have you  
7 paid substantial sums of money to Lauren A. Colby?

8 A Well, I have paid some money.

9 Q Right. You owe still more money?

10 A Yes, I do.

11 Q If you had not been compelled to pay these monies  
12 and incur this indebtedness, would you have been able, by  
13 this time, to have moved the FM to the new location and put  
14 up the proper AM tower?

15 A Could you repeat the question?

16 Q If you had not had to incur these legal expenses  
17 in connection with this proceeding, by this time would you  
18 have been able to move the FM station to the proper location  
19 and put up the AM tower?

20 A Yes, I would have.

21 Q When these legal expenses terminate, if they ever  
22 terminate --

23 A If.

24 Q -- do you anticipate that funds will be available  
25 to move the FM station to the new location and put up the AM

1 tower?

2 A Yes, I do.

3 Q Now I want to show you Deposition Exhibit No. 20,  
4 paragraph seven. Do you have it in front of you?

5 MS. DeNIGRO: Could we have No. 20.

6 MR. COLBY: No. 20.

7 MS. DeNIGRO: The last one was 20.

8 MR. COLBY: Yes. The last one was 21. Did we  
9 hand 21 to the reporter, so that she --

10 THE WITNESS: Yes, I did.

11 BY MR. COLBY:

12 Q Calling your attention to paragraph seven, you  
13 said in that paragraph: Nevertheless, the station  
14 constitutes the only valuable asset held by my father for  
15 the benefit of his children and his grandchildren.

16 A Yes, sir.

17 Q Is that correct? Did you say that?

18 A Yes.

19 Q You executed this on March 12, 2001. Is that  
20 correct?

21 A Yes, it is correct. May I --

22 Q On that date, were you aware that your father had  
23 real estate?

24 A Yes. I was aware of that.

25 Q Did you consider that that real estate was a

1     valuable asset held by your father for the benefit of his  
2     children and his grandchildren?

3           A     Well, it was a valuable asset.  However, I was not  
4     sure whether that was tied into the problems that he was  
5     having with the bank and involving the foreclosure with the  
6     bank.  I didn't know what properties were involved and that  
7     is why --

8           Q     Do you know even now?

9           A     Well, not really.

10          Q     Is the reason why you didn't include the real  
11     estate in this statement, in paragraph seven, that you were  
12     unaware of the extent to which it was hocked?

13          A     Yes.  Yes, it is.

14          Q     You're still unaware of the extent to which it is  
15     hocked?

16          A     Yes.  Yes, I am.

17          Q     With respect to your brother's address that you  
18     put in the transfer application, are you satisfied that if  
19     mail had been sent to that address it would have gotten to  
20     your brother?

21          A     Yes.  It would have.

22          Q     Well, one other thing.  Did there come a time in  
23     my office when you prepared an ownership report showing  
24     you're current with 93 percent of the stock FBI and the  
25     other seven percent owned by persons unlisted?



1 A Yes.

2 Q Do you recall that?

3 A Yes, I do.

4 Q Where did you get the seven percent figure?

5 A From my father.

6 Q Are you aware that, at a deposition taken here in  
7 Washington I guess it was last month, your father testified  
8 that the figure was ten percent?

9 A I read his deposition, yes, I saw that.

10 Q Did that come as a surprise to you?

11 A Yes, it did.

12 Q It came as a surprise to me also, I'll say that  
13 for the record. Are you satisfied, however, that your  
14 father never intended to sell a majority interest in FBI to  
15 anyone?

16 A That is correct.

17 Q He always intended to keep it in the family?

18 A Yes, he did.

19 Q You're satisfied on that point?

20 A Yes, I am.

21 MR. COLBY: I have no further questions.

22 MS. DeNIGRO: A couple of quick follow-ups.

23 REDIRECT EXAMINATION

24 BY MS. DeNIGRO:

25 Q Are you aware of any debt owed with respect to

1 Family Broadcasting?

2 A The only debt that I'm familiar with that has been  
3 mentioned is a problem that my father has with some  
4 properties, properties which he not identified to me. But I  
5 know it involves real property; and which real property, I'm  
6 not sure because I haven't gotten the specific information  
7 from him. But that is the extent of my knowledge of that.

8 Q Do you know if the debt is owned by Family  
9 Broadcasting?

10 A No, I don't. Not specifically.

11 Q So is it correct to say that you don't know what  
12 debt Family Broadcasting owes, in the same way that you  
13 don't know what debt is owed on any real estate that your  
14 father owns?

15 A I can't give you a figure.

16 Q Is it your belief that there is any debt on 83  
17 Anna's Hope?

18 A I have no direct knowledge of that. So, to the  
19 best of my knowledge, I don't know whether that is tied in  
20 with any of the foreclosure problems that my father's  
21 experiencing now, because I've asked specifically for  
22 documents. I've asked specifically for information telling  
23 me which properties are involved and I have not gotten that.  
24 So, to the best of my knowledge, I don't know which real  
25 property is involved and which isn't.

1 Q Do you believe that all of them are involved?

2 (Multiple voices.)

3 A I have no idea because I've heard my father say:  
4 The properties are involved. I've asked him to define the  
5 properties. I don't know which one it is, so I don't know  
6 what to eliminate or what to include.

7 Q That includes the radio stations? You don't know  
8 whether to eliminate or include them because you don't know  
9 what debt constrains the radio stations either? What debt  
10 is owed by the radio stations?

11 A I have no idea.

12 Q Okay. Who paid for your travel up to Washington  
13 today or Monday?

14 A On my trip, my mother did this time.

15 Q Just to clarify: Do you know, other than your  
16 mother and your father, who owned stock in Family  
17 Broadcasting or how much?

18 A All I know is the list that was provided to me,  
19 but I have no --

20 (Multiple voices.)

21 Q You aren't sure if that --

22 A I'm not sure about --

23 Q -- that list is accurate?

24 A I have no idea.

25 Q You don't know what percentage of stock it would

1 represent?

2 A No, I don't.

3 MS. DeNIGRO: I have no more questions.

4 MR. COLBY: I did want --

5 MS. DeNIGRO: Let's make sure the court reporter  
6 gets a copy of this last exhibit to put a number on.

7 MS. DeNIGRO: We can go off the record while they  
8 go over that.

9 (Whereupon, a short recess was taken.)

10 BY MR. COLBY:

11 Q I want to ask you one other --

12 MS. DeNIGRO: Okay. One second. We have to get  
13 back on the record.

14 THE REPORTER: We're on.

15 MS. DeNIGRO: We're on. I'm sorry.

16 RE-CROSS EXAMINATION

17 BY MR. COLBY:

18 Q When your father acquired the ownership of the  
19 radio station, did he say anything to you about holding it  
20 for the benefit of his children?

21 A Well, when he initially purchased the station, he  
22 said that it had aesthetic value to him and he wanted to  
23 hold it and give it to his children and his grandchildren.

24 Q Did he ever say that about any of the real estate?

25 A Not specifically, but he did mention the radio

1 station.

2 Q Now did you read your father's testimony here at  
3 the deposition a couple of months ago?

4 A Yes, I did.

5 Q Do you recall a listing of the properties that  
6 were subject to mortgage?

7 A I vaguely recall.

8 Q Let me put it this way --

9 (Multiple voices.)

10 A There were --

11 MS. DeNIGRO: I'm going to just object to the form  
12 of the question as it may or may not represent --

13 BY MR. COLBY:

14 Q Do you recall whether or not your father testified  
15 which properties were subject to which mortgages with which  
16 lenders?

17 A To the best of my knowledge, No's. 83 and 83  
18 Estate Anna's Hope had no mortgage, according to his  
19 testimony.

20 Q Those are the residence properties?

21 A Yes, they are.

22 Q Do you have any idea what they're worth?

23 A I have no idea.

24 Q But his remaining real estate, it's your  
25 recollection that you said that all of the remaining real

1 estate was in hock to the bank?

2 A In his deposition, yes.

3 MS. DeNIGRO: I'm just going to object to the  
4 characterization again. I just don't think that  
5 characterizes the testimony.

6 MR. COLBY: Well, let me put it this way.

7 BY MR. COLBY:

8 Q Let me put it this way. It's your recollection  
9 that your father testified that the mortgages were  
10 outstanding on the remaining property other than the family  
11 residence in favor of a bank or banks?

12 MS. DeNIGRO: I don't --

13 MR. COLBY: What's the nature of your objection?

14 MS. DeNIGRO: I don't think that the testimony  
15 reflects that. The testimony doesn't reflect that. He said  
16 all of the property was subject to a mortgage other than  
17 those two. There were other properties --

18 (Multiple voices.)

19 MR. COLBY: Is that your recollection?

20 MS. DeNIGRO: Yes, it is.

21 MR. COLBY: Well, that's my recollection, too.

22 MS. DeNIGRO: No. My recollection is that those  
23 two properties and others are not subject to debt and none  
24 of them are subject to mortgage based on his -- a mortgage  
25 is a security interest on the property for purchase of the

1 property. Other debt is not necessarily --

2 (Multiple voices.)

3 MR. COLBY: I'll agree to that.

4 MS. DeNIGRO: A mortgage and also there are --

5 MR. COLBY: I would agree that a mortgage is not a  
6 debt instrument in and of itself, It is a promissory note.  
7 But the mortgage constitutes a security interest, which the  
8 bank can exercise if you don't pay.

9 MS. DeNIGRO: There is no need for us to discuss  
10 this on the record. Just go and finish your questions. My  
11 objection is to the characterization of the testimony. No,  
12 to the characterization of it as a mortgage and to the  
13 characterization of Mr. James' testimony.

14 MR. COLBY: All right. Let me attempt to rephrase  
15 it then.

16 BY MR. COLBY:

17 Q Is it your recollection that your father testified  
18 -- well, maybe I'm incorrect on what your father testified.  
19 My recollection is he testified that, with the exception of  
20 the family residence and the house next door, the remaining  
21 properties were --

22 (Multiple voices.)

23 MS. DeNIGRO: I think you're incorrect about that.

24 MR. COLBY: -- security.

25 MS. DeNIGRO: There are properties that are

1     subject to -- that he testified and I don't know. I don't  
2     want to say that it's true or not true, but he testified  
3     some properties were subject to debt and some were not,  
4     other than the properties at Anna's.

5             MR. COLBY: I don't recall whether or not --  
6     I would rather not pursue. I have no further questions.

7             THE WITNESS: Thank you.

8             MS. DeNIGRO: I have no further questions.

9             (Whereupon, at 4:28 p.m., the hearing in the  
10    above-entitled matter was adjourned.)

11    //

12    //

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22    //

23    //

24    //

25    //



1 I have read the foregoing pages 1 through 255, and  
2 they are a true and accurate record of my  
3 testimony therein recorded, and any changes and/or  
4 corrections appear on the attached errata sheet  
5 signed by me.

6 \_\_\_\_\_  
7 BARBARA JAMES-PETERSON  
8

9 Subscribed and sworn to before me

10 this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

11 \_\_\_\_\_  
12 Notary Public

13 My Commission expires: \_\_\_\_\_  
14  
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JURISDICTION: United States Department of Justice

Before me, the undersigned authority, personally appeared Barbara James-Peterson, who, after being duly sworn states that he has read the foregoing deposition transcript, and states that he wishes to make the following changes or corrections to this transcript for the following reasons:

PAGE	LINE	CHANGE	REASON FOR CHANGE
------	------	--------	-------------------

The witness states that the deposition transcript, pages 1 through 255, is otherwise true and accurate.

BARBARA JAMES-PETERSON

Subscribed and sworn to before me on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Notary Public

My Commission Expires: \_\_\_\_\_

**REPORTER'S CERTIFICATE**

**CASE TITLE:** Family Broadcasting Order  
**HEARING DATE:** January 15, 2003  
**LOCATION:** Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

*Beth Roots*

Date: JANUARY 15, 2003

Beth Roots  
Official Reporter  
Heritage Reporting Corporation  
1220 L Street, N.W., Suite 600  
Washington, D.C. 20005-4018

**TRANSCRIBER'S CERTIFICATE**

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

*Maria Hester*

Date: JANUARY 15, 2003

Maria Hester  
Official Transcriber  
Heritage Reporting Corporation

**PROOFREADER'S CERTIFICATE**

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

*Carlos Gamez*

Date: JANUARY 30, 2003

Carlos Gamez  
Official Proofreader  
Heritage Reporting Corporation



**Federal Communications Commission**  
**Compliance & Information Bureau**

Carlos Chardon Federal Building, Room 762 • San Juan, Puerto Rico, 00918-1731  
Phone 787-766-5568 • Fax 787-766-5633 • Email [rjustino@fcc.gov](mailto:rjustino@fcc.gov)

COPY

August 25, 1997

Family Broadcasting, Inc.  
WSTX-AM & WSTX-FM  
Attn: Luz James  
POB 3279  
St. Croix, VI 00822

Dear Licensee:

During a recent inspection of your FM & AM facilities on August 19<sup>th</sup>, many violations were observed. I will not detail the long list of violations. I will however, provide an AM & FM BROADCAST INSPECTION CHECKLIST with the particulars that I observed as violations marked as pending. You should go over the complete checklist to make certain that you are also complying with the other particulars. You should also request special temporary authority to operate at reduced power levels for your AM & FM transmitters since you are not capable of transmitting at your authorized power levels. A special temporary authority should also be requested for transmitting your FM signal from your AM site instead of Blue Mountain where its authorized to be.

You are to submit a report on all actions taken to bring your stations into compliance within ten days of the receipt of this letter at the address provided in the letterhead. If the violation can not be rectified in ten days, a subsequent report will be tendered to this office detailing the steps taken to bring the violation into compliance and the expected compliance date. This second report should be filed no later than thirty days after receipt of this letter and should contain factual information such as contracts, purchase orders, etc.

I will reinspect the stations sometime after the receipt of the second report.

Sincerely,

Reuben Jusino  
Resident Agent

exh 1  
1/15/03  
Family  
James

Case No. CB-Q-39 Official Exhibit No. (100)

Disposition: (GC, Beard, Party)  
Identified \_\_\_\_\_  
Received \_\_\_\_\_

IN THE MATTER OF: \_\_\_\_\_

Family Broadcasting

Date: 11/5/03 Witness: Peter Sen Reporter: BM12

No. Pages: 1

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
)  
)

Family Broadcasting, Inc.  
WSTX-AM  
POB 3279  
St Croix, VI 00822 )  
)

OFFICIAL NOTICE OF VIOLATION

Released: December 8, 1997

By the Compliance & Information Bureau:

1. This is an Official Notice of Violation issued pursuant to Section 1.89 of the Commission Rules, 47 CFR S 1.89 to Broadcast Station WSTX-AM for willful<sup>1</sup> violation of Sections 11.15, 11.35, 73.49, 73.189(b)(6), 73.1560(a) of the Rules, 47 CFR § 11.15, 11.35, 73.49, 73.189(b)(6), 73.1560(a) respectively.

2. On August 19<sup>th</sup>, 1997 an agent from the Compliance and Information Bureau visited WSTX-AM. Since many deficiencies were found, an opportunity was afforded the licensee to bring itself into compliance. To that effect correspondence dated August 25<sup>th</sup>, 1997 was mailed, to the address of record, to the licensee requesting information as to when the violations were to be corrected and advising of a future reinspection. No information was ever received by the agent within the time frame provided.

3. On December 4<sup>th</sup>, 1997 an agent from the Compliance and Information Bureau conducted an inspection of WSTX as a follow up to a previous visit on August 19, 1997. During the inspection it was found:

- The EAS operating handbook was not available for inspection upon request. See Section 11.15.
- Broadcast stations are responsible for ensuring that EAS Encoders, EAS Decoders and

<sup>1</sup> The term "willful" when used in this context does not imply that the violation was intentional, but merely that the circumstances which led to the violation were not created accidentally.

Q 1  
EXH 2  
11/15/03  
Family  
Tanner

Case No. EB-01-39 Official Exhibit No. 2 (Rec)  
Disposition: Identified Received  
Rejected  
IN THE MATTER OF:  
Family Broad casting  
Date: 1/5/03 Witness: Petersen Reporter: Emma  
No. Pages: 3

## Notice of Violation continued

Attention Signal generating and receiving equipment used as part of EAS is installed so that the monitoring and transmitting functions are available during the times the broadcast station is in operation. No operable EAS was in operation during inspection. See Section 11.35.

- The main antenna element did not have adequate fencing to protect and prevent the public from accessing the radiator. See Section 73.49.
- The main element (antenna) shall meet the requirements of the station authorization with respect to height or effective field strength. The main element in use by WSTX -AM is approximately 36 meters (110 ft). The station authorization calls for a main element of 106.5 meters. See Section 73.189(b)(6).
- During the inspection you admitted to continued low power operation. During the visit of August 19<sup>th</sup>, 1997 the power as measured off the transmitter was found to be 2800 Watts. The authorized output power is 5000 Watts. Since the direct method for calculating power could not be used (no antenna current meter was installed) and the indirect method could not be used (because of no available transmitter efficiency factor) the power readings that are available are not reliable. You are apparently operating at just over 50% of authorized power. See Section 73.1560(a). See also Section 73.51 for direct & indirect power calculations and methodology.

4. Accordingly, **IT IS ORDERED**, pursuant to Section 308(b) of the Communications Act of 1934, as amended, 47 USC S 308(b), and Section 1.89 of the Commission's Rules, 47 CFR S 1.89, WSTX-AM shall within ten (10) days of the receipt of this Notice submit a written statement, signed by an officer of Family Broadcasting, Inc., concerning this matter to the following address:

Federal Communications Commission  
US Federal Building, Room 762  
150 Carlos Chardon Ave.  
San Juan PR 00918-1731

The answer<sup>2</sup> shall contain a statement of action taken to correct the condition and to preclude its recurrence. The answer shall also contain copies of pertinent documents related to the solution of the deficiencies. Do not delay response to this Notice due to pending corrective actions. Failure to provide a response to this Notice could result in the imposition of a monetary forfeiture in

---

<sup>2</sup>. The Privacy Act of 1974, P. L. 93-579, December 31, 1974, 5 U.S.C. 552a(e)(3) requires that we advise you that the Commission's staff will use all relevant material information before it, including the information disclosed in your reply to determine what enforcement action is required to ensure current and future compliance.

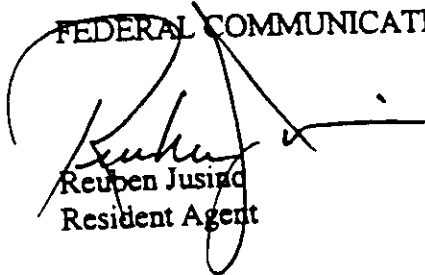


**Notice of Violation continued**

accordance with 47 U.S.C. 308 (b).

**5. IT IS FURTHER ORDERED** that a copy of this Official Notice of Violation shall be sent to Family Broadcasting, Inc., WSTX-AM, POB 3279, St Croix, VI, 00822.

FEDERAL COMMUNICATIONS COMMISSION

  
Reuben Jusino  
Resident Agent

COPY  
ATTACHMENT R

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of

Family Broadcasting, Inc.  
WSTX-FM  
POB 3279  
St Croix, VI 00822

OFFICIAL NOTICE OF VIOLATION

Released: December 8, 1997

By the Compliance & Information Bureau:

1. This is an Official Notice of Violation issued pursuant to Section 1.89 of the Commission Rules, 47 CFR S 1.89 to Broadcast Station WSTX-FM for willful<sup>1</sup> violation of Sections 11.15, 11.35, 73.1560(b), 73.315(a) of the Rules, 47 CFR § 11.15, 11.35, 73.1560(b), 73.315(a) respectively.

2. On August 19<sup>th</sup>, 1997 an agent from the Compliance and Information Bureau visited WSTX-FM. Since many deficiencies were found, an opportunity was afforded the licensee to bring itself into compliance. To that effect correspondence dated August 25<sup>th</sup>, 1997 was mailed, to the address of record, to the licensee requesting information as to when the violations were to be corrected and advising of a future reinspection. No information was ever received by the agent within the time frame provided.

3. On December 4<sup>th</sup>, 1997 an agent from the Compliance and Information Bureau conducted an inspection of WSTX - FM as a follow up to a previous visit on August 19, 1997. During the inspection it was found:

- The EAS operating handbook was not available for inspection upon request. See Section 11.15.
- Broadcast stations are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of EAS is installed so that

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<sup>1</sup>. The term "willful" when used in this context does not imply that the violation was intentional, but merely that the circumstances which led to the violation were not created accidentally.

R 1  
EXH 3  
1/15/03  
Family  
Times

Case No. 12-01-34 Official Exhibit No. 3 (EC)

(GC, Board, Party)

Disposition: Identified ☒ Received

Rejected

IN THE MATTER OF:  
Family Broadcasting

Date: 1/15/03 Witness: Peterson Reporter: BMN

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Notice of Violation continued

the monitoring and transmitting functions are available during the times the broadcast station is in operation. No operable EAS was in operation during inspection. See Section 11.35.

- During the inspection you admitted to continued low power operation. During the visit of August 19<sup>th</sup>, 1997 the power, as measured off the transmitter, was found to be 100 Watts. The authorized output power is 50 kW. Since the direct method for calculating power could not be used (no calibrated transmission line meter was installed) and the indirect method could not be used (because of no available transmitter efficiency factor) the power readings that are available are not reliable. You are apparently operating at 0.2% of authorized power. See Section 73.1560(b). See also Section 73.267 for direct & indirect power calculations and methodology.
- The FM transmitter was found to be co-located with the AM antenna site at N 17 45 23 W 64 41 38. The FM transmitter is supposed to be located at N 17 45 20 W 64 47 55 as per your station authorization. See Section 73.315(a).

4. Accordingly, **IT IS ORDERED**, pursuant to Section 308(b) of the Communications Act of 1934, as amended, 47 USC S 308(b), and Section 1.89 of the Commission's Rules, 47 CFR S 1.89, WSTX-FM shall within ten (10) days of the receipt of this Notice submit a written statement, signed by an officer of Family Broadcasting, Inc., concerning this matter to the following address:

Federal Communications Commission  
US Federal Building, Room 762  
150 Carlos Chardon Ave.  
San Juan PR 00918-1731

The answer<sup>2</sup> shall contain a statement of action taken to correct the condition and to preclude its recurrence. The answer shall also contain copies of pertinent documents related to the solution of the deficiencies. Do not delay response to this Notice due to pending corrective actions. Failure to provide a response to this Notice could result in the imposition of a monetary forfeiture in accordance with 47 U.S.C. 308 (b).

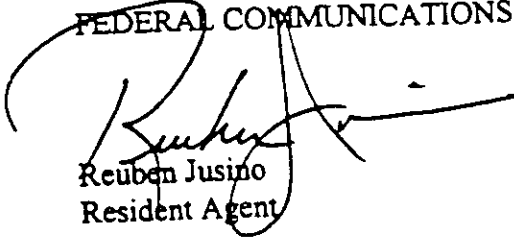
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<sup>2</sup>. The Privacy Act of 1974, P. L. 93-579, December 31, 1974, 5 U.S.C. 552a(e)(3) requires that we advise you that the Commission's staff will use all relevant material information before it, including the information disclosed in your reply to determine what enforcement action is required to ensure current and future compliance.

**Notice of Violation continued**

5. **IT IS FURTHER ORDERED** that a copy of this Official Notice of Violation shall be sent to Family Broadcasting, Inc., WSTX-FM, POB 3279, St Croix, VI, 00822.

FEDERAL COMMUNICATIONS COMMISSION

  
Reuben Jusino  
Resident Agent